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PTO/SB/21 (6-99)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

10/003,035

Filing Date

November 1, 2001

First Named Inventor

Danher Wang

Group/Art Unit

1648

Examiner Name

Li, Bao Q.

Total Number of Pages in This Submission

8

Attorney Docket Number

22488-712

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ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form (Petition)
 - ☒ Fee Attached (\$130.00)
- ☒ Amendment
 - ☐ After Final
 - ☒ Petition and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventors in Declaration - Nonprovisional Application Under 37 C.F.R. §1.48(a)
- ☐ Extension of Time Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☒ Assent of Assignee To Correction and/or Addition of Inventor
- ☒ Supplemental Declaration
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s) (please identify below):

Statement of Inventor

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name

Shirley Chen, Ph.D., Reg. No.44,608, WILSON.SONSINI GOODRICH & ROSATI

Signature

Shirley Chen

Date

October 22, 2003

Customer Number:

021971

CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated below and addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name

Donna L. Hengst

Signature

Donna L. Hengst

Date

October 22, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Danher Wang

Application No.: 10/003,035

Filed: November 1, 2001

For: Genetic Vaccine Against Human
Immunodeficiency Virus

Confirmation No. 1240

Art Unit: 1648

Examiner: LI, Bao Q.

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**AMENDMENT, PETITION AND FEE TO DELETE AND/OR ADD TO ORIGINAL
ERRONEOUSLY NAMED OR NOT NAMED INVENTOR(S) IN DECLARATION –
NONPROVISIONAL APPLICATION – (37 C.F.R. §1.48(a))**

NOTE: "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in an application, other than a reissue application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name only the actual inventor or inventors." 37 C.F.R. §1.48(a).

*NOTE: 37 C.F.R. §1.48(f) states: "If the correct inventor or inventors are not named on filing a nonprovisional application under §1.53(g) without an executed oath or declaration under §1.63 during the pendency of the application will act to correct the earlier identification of inventorship."
"(2) If the correct inventor or inventors are not named on filing a provisional application without a cover sheet under §1.51(c)(1), the later submission of a cover sheet under §1.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship."*

1. This amendment and petition is to correct the incorrect original naming of the inventor(s) in the declaration under 37 C.F.R. §1.48(a) as set forth and filed on April 24, 2002.
2. Addition and/or Deletion of Inventor(s)

(check and complete all applicable items)

☒ Add the following previously unnamed person(s) as inventor(s) of this application:
Jianyun Dong

10/29/2003 HUWONG1 00000131 232415 10003035

01 FC:1460 ~~130.00 DA~~

☐ Delete the following previously incorrectly named inventor(s):

3. Attachments
Attached is

(a) A statement from:

(check items below that apply)

- ☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. §1.48(a)(1).
- ☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. §1.48(a)(2).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. §1.63 (or as permitted by §§1.42, 1.43, OR 1.47). 37 C.F.R. §1.48(a)(2).

(c) written assent of the assignee (if any of the original inventors executed an assignment). 37 C.F.R. §1.48(a)(4).

(d)

(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed)


- ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee Payment (37 C.F.R. §1.17(i))

The fee required is paid as follows:

- ☐ Enclosed is a check for \$130.00.
- ☐ Charge Account 23-2415 for any fee deficiency.
- ☒ Charge Account 23-2415 the sum of \$130.00 (Attorney Docket No. 22488-712).

Respectfully submitted,

Date: Oct. 22 2003 By: 
Shirley Chen, Ph.D., Reg. No. 44,608

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